THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 21037 of 2005

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Dated:27.09.2005

Between:

K.B. Swamy, S/o K. Jangaiah,
APSRTC R/o H. No. 18-7-466/2/A/52, Ambikanagar, Uppal,

Hyderabad.

..... PETITIONER

AND

The Depot manager, APSRTC, Falaknuma Depot, Engine Bowli,

Hyderabad, A.P.,

.....RESPONDENT

ORDER:

The petitioner is working as a Conductor in the Falaknuma Depot of A.P.S.R.T.C. While he was conducting a bus on 26.08.2005, a check took place. On the allegation that the petitioner collected a fare of Rs.4/- from a batch of four passengers, but did not issue tickets, the Inspecting Official issued a Charge Memo on the same day. This was followed by a Charge Sheet and an order of suspension dated 16.09.2005. These proceedings were served on the petitioner at a later point of time.

The petitioner contends that no Charge Memo was prepared in his presence and the Charge Memo, the Charge Sheet and order of suspension were served upon him only when he reported to duty, after undergoing treatment in the A.P.S.R.T.C Hospital. It is alleged that the charges framed against the petitioner are factually incorrect and that there is no basis for the respondent to suspend him.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

In the affidavit filed in support of the writ petition, several allegations are made against the respondent and the officials working with him. It is alleged that the proceedings were initiated as a measure of vindictiveness, for the petitioner approaching the Police with a complaint. The petitioner contends that neither his signature nor the signatures of the passengers were taken on the Charge Memo and that it was prepared on the basis of non-existent facts.

This Court cannot examine the truth or otherwise of the allegations made by the petitioner. A departmental enquiry has already been initiated against the petitioner. He has to participate in it, and the further course of action would depend upon the nature of outcome of the same. The petitioner had already submitted an application to the respondent to furnish copies of certain documents. He is yet to submit his explanation. Based on the explanation, the respondent has to take further steps. The order placing the petitioner under suspension cannot be branded as the one without any basis.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to submit his explanation within one week from today, if he has not already submitted it. The petitioner shall be given an opportunity to participate in the enquiry in all respects, and it shall be open to him to put forward all his contentions. The proceedings against the petitioner shall be concluded within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

27.09.2005

Note: Issue C.C in three days.

B/o.

vs